

# United States District Court

## EASTERN DISTRICT OF TEXAS

**SHERMAN DIVISION**

**BERN A MORTBERG,**

**Plaintiff,**

**V.**

**DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS INDENTURE TRUSTEE  
OF THE AMES MORTGAGE INVESTMENT  
TRUST 2005-1, C/O ITS SERVICER  
OCWEN LOAN SERVICING, LLC,  
POWER DEFAULT SERVICES, INC.  
and RIDDLE & WILLIAMS, P.C.,**

## Defendants.



**Case No. 4:17-cv-00687-ALM-KPJ**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On January 29, 2018, the report of the Magistrate Judge (Dkt. #20) was entered containing proposed findings of fact and recommendations that this case be dismissed for want of prosecution.

The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. This case was filed on September 28, 2017. *See* Dkt. #1. On January 17, 2018, the Magistrate Judge issued an Order (*see* Dkt. #19) warning Plaintiff that if no Joint Report was filed by January 23, 2018, the Magistrate Judge would recommend this matter be dismissed for want of prosecution. “A district court *sua sponte* may dismiss an action for failure to prosecute or to comply with any court order.” *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998); *see also* Fed. R. Civ. P. 41(b);

Nothing was filed by January 23, 2017; in fact, nothing has been filed in the case by Plaintiff for more than three months.

Accordingly, it is hereby **ORDERED, ADJUDGED AND DECREED** that this entire case is hereby **DISMISSED WITHOUT PREJUDICE** for want of prosecution. Each party shall bear its own costs.

All relief not previously granted is hereby **DENIED**, and the Clerk is directed to **CLOSE** this civil action.

**IT IS SO ORDERED.**

**SIGNED this 23rd day of February, 2018.**

A handwritten signature in black ink, reading "Amos Mazzant", written over a horizontal line.

AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE